

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NATHANIEL YANCEY,

No. 3:19-cv-01552-JE

Petitioner,

ORDER

v.

JOSIAS SALAZAR,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation on November 18, 2020, in which he recommends that this Court deny the Petition for Writ of Habeas Corpus and dismiss this case with prejudice. F&R, ECF 26. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings & Recommendation. Pet'r. Obj., ECF 28. When any party objects to any portion of the Magistrate Judge's Findings &

Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

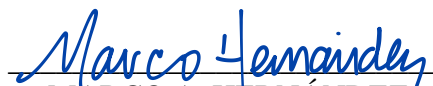
The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

### CONCLUSION

The Court ADOPTS Magistrate Judge Jelderks's Findings and Recommendation [26]. Therefore, the Petition for Writ of Habeas Corpus [1] is denied and this case is dismissed with prejudice. The Court declines to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED: April 21, 2021.

  
MARCO A. HERNÁNDEZ  
United States District Judge